

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

916T0249

HOUSE BILL NO. 1087

Introduced by: Representatives Olson (Betty), Kopp, Russell, Venner, and Verchio and
Senators Begalka, Juhnke, Maher, Novstrup (Al), Rhoden, and Sutton

1 FOR AN ACT ENTITLED, An Act to limit the terms of certain conservation easements.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 1-19B-57 be amended to read as follows:

4 1-19B-57. A conservation easement may be created, conveyed, recorded, assigned, released,

5 modified, terminated, or otherwise altered or affected in the same manner as other easements.

6 The term of the conservation easement shall be established by the parties to the easement.

7 However, no conservation easement created after July 1, 2012, may be for a period of more than

8 thirty years. No right or duty in favor of or against a holder and no right in favor of a person

9 having a third-party right of enforcement arises under a conservation easement before its

10 acceptance by the holder and recording the acceptance. An interest in real property in existence

11 at the time a conservation easement is created is not impaired by it unless the owner of the

12 interest is a party to the conservation easement or consents to it.

